

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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WI-LAN INC.,

Plaintiff,

-against-

10 Civ. 0432 (LAK)

LG ELECTRONICS, INC., et al.,

Defendants.
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ORDER

LEWIS A. KAPLAN, *District Judge*.

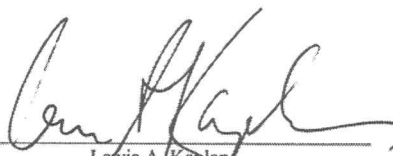
Defendants moved in February 2011 to preclude plaintiff from pursuing its claim of patent infringement under the doctrine of equivalents. While that motion was pending, the parties made a number of other potentially dispositive or partially dispositive motions. In a report and recommendation filed August 2, 2011, Magistrate Judge Andrew J. Peck recommended, *inter alia*, that defendants' motion for summary judgment dismissing the complaint be granted and that the earlier motion to preclude plaintiff from pursuing its infringement claim under the doctrine of equivalents be denied as moot or for lack of subject matter jurisdiction.

Plaintiff has filed objections to the report and recommendation to the extent, *inter alia*, that it recommended that defendants' motion for summary judgment dismissing the complaint be granted. It has not objected to the recommendation with respect to the earlier motion to preclude it from pursuing its infringement claim under the doctrine of equivalents.

Accordingly, defendants' motion to preclude plaintiff from pursuing its claim of patent infringement under the doctrine of equivalents (DI 115) is denied as moot. This ruling is without prejudice to renewal of the motion in the event that plaintiff's infringement claim ultimately survives.

SO ORDERED.

Dated: September 29, 2011



Lewis A. Kaplan
United States District Judge

(The manuscript signature above is not an image of the signature on the original document in the Court file.)

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